

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

THEODORE THOMAS	§	
VS.	§	CIVIL ACTION NO. 9:15-CV-50
OFFICER PATTERSON, <i>et al.</i> ,	§	

MEMORANDUM ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Plaintiff, Theodore Thomas, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against defendants Officer Patterson, Officer Masiel and the Nacogdoches Police Department.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Lufkin, Texas, for consideration pursuant to applicable laws and orders of this Court.

The defendants have filed a Motion to Dismiss (docket entry no. 10). The Magistrate Judge recommends the motion be granted to the extent that plaintiff's prior attempt to serve the defendants is quashed. The Magistrate Judge further recommends plaintiff be given 30 days to properly serve the defendants.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge have been filed to date.

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. The Motion to Dismiss is **GRANTED** to the extent that plaintiff's prior attempt to serve the defendants with process is quashed. Plaintiff shall have thirty (30) days from the date set forth below to serve the defendants in accordance with Federal Rule Civil Procedure 4.

SIGNED this 8th day of January, 2016.

A handwritten signature in black ink, reading "Michael H. Schneider". The signature is written in a cursive style with a horizontal line underneath it.

MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE